

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA,	§	
Plaintiff/Respondent,	§	
	§	
V.	§	CR. No. C-05-346 (2)
	§	C.A. No. C-08-90
STEVE ALLEN LOPEZ,	§	
Defendant/Movant.	§	

**ORDER FOR RESPONDENT TO ANSWER
AND ORDER ALLOWING MOVANT TO REPLY**

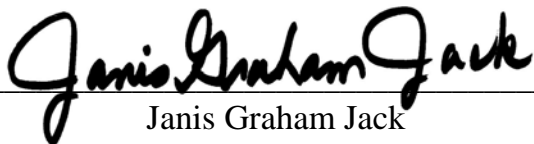
On March 21, 2008, the Clerk received Movant Steve Allen Lopez's ("Lopez") motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. (D.E. 533.) Although the motion appears to be untimely, Lopez had previously requested an extension of time to file a § 2255 motion. (D.E. 530.) The Court denied that motion, noting that it was without jurisdiction to consider Lopez's motion for extension or for tolling without a § 2255 motion before it. (See D.E. 531 at 2 (citing authority).) Now that Lopez has filed his § 2255 motion, however, the Court will construe his grounds listed in that prior motion (D.E. 530) as his explanation as to why his § 2255 motion should be deemed timely.

It is now ORDERED that the United States answer the § 2255 motion (including responding to Lopez's request for tolling) not later than sixty days after the entry of this Order.

It is further ORDERED that the United States provide, at the time of its answer, transcripts of all pertinent proceedings that are not already part of the record. Relevant affidavits, if any, are also to be filed with the answer.

Pursuant to Rule 5(d) of the RULES GOVERNING SECTION 2255 PROCEEDINGS FOR THE UNITED STATES DISTRICT COURTS (2007), Lopez may file a reply not later than thirty days after service of the government's answer.

It is so ORDERED this 25th day of March, 2008.



Janis Graham Jack
United States District Judge